

HOUSE No. 1234

By Mr. Perry of Sandwich, petition of Jeffrey Davis Perry and James B. Eldridge relative to establishing an academic bill of rights. Higher Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

RESOLVE PROVIDING FOR THE ACADEMIC BILL OF RIGHTS.

1 *Resolved*, The General Court hereby finds the following:

2 (1) The principles enumerated in this section fully apply only
3 to public universities that present themselves as bound by the
4 canons of academic freedom contained within. Nothing in this
5 section shall be construed as interfering with the right of a private
6 institution to restrict academic freedom on the basis of creed or
7 belief; and

8 (2) the central purposes of a university are the pursuit of truth,
9 the discovery of new knowledge through scholarship and research,
10 the study and reasoned criticism of intellectual and cultural tradi-
11 tions, the teaching and general development of students to help
12 them become creative individuals and productive citizens of a plu-
13 ralist democracy, and the transmission of knowledge and
14 learning to a society at large; and

15 (3) free inquiry and free speech within the academic commu-
16 nity are indispensable to the achievement of these goals, the free-
17 doms to teach and to learn depend upon the creation of
18 appropriate conditions and opportunities on the campus as a
19 whole as well as in the classrooms and lecture halls, and these
20 purposes reflect the values — pluralism, diversity, opportunity,
21 critical intelligence, openness, and fairness — that are the corner-
22 stones of American society; and

23 (4) academic freedom is indispensable to the American univer-
24 sity. From its first formulation in the General Report of the Com-
25 mittee on Academic Freedom and Tenure of the American
26 Association of University Professors, the concept of academic

27 freedom has been premised on the idea that human knowledge is
28 the pursuit of the truth, that there is no humanly accessible truth
29 that is not in principle open to challenge; and

30 (5) academic freedom is most likely to thrive in an environment
31 that protects and fosters independence of thought and speech. In
32 the words of the General Report, it is vital to protect “as the first
33 condition of progress [a] complete and unlimited freedom to
34 pursue inquiry and publish its results”; and

35 (6) because free inquiry and its fruits are crucial to the democ-
36 ratic enterprise itself, academic freedom is a national value as
37 well. In a historic 1967 decision, the Supreme Court of the United
38 States overturned a New York State loyalty provision for teachers
39 with these words: “Our Nation is deeply committed to safe-
40 guarding academic freedom, [a] transcendent value to all of us and
41 not merely to the teachers concerned.” (*Keyishian v. Board of*
42 *Regents of the Univ. of the State of New York*). In *Sweezy v. New*
43 *Hampshire*, (1957), the Court observed that the “essentiality of
44 freedom in the community of American universities [was] almost
45 self-evident”; and

46 (7) academic freedom consists in protecting the intellectual
47 independence of professors, researchers, and students in the pur-
48 suit of knowledge and the expression of ideas from interference
49 by legislators or authorities within the institution itself, meaning
50 that no political or ideological orthodoxy should be imposed on
51 professors and researchers through the hiring, tenure, or termina-
52 tion process, nor through any other administrative means by the
53 academic institution, nor should the legislature impose any such
54 orthodoxy through the control of the university budget; and

55 (8) from the first statement on academic freedom, it has been
56 recognized that intellectual independence means the protection of
57 students as well as faculty from the imposition of any orthodoxy
58 of a political or ideological nature. The 1910 General Report
59 admonished faculty to avoid “taking unfair advantage of the stu-
60 dent's immaturity by indoctrinating him with the teacher's own
61 opinions before the student has had an opportunity fairly to
62 examine other opinions upon the matters in question, and before
63 he has sufficient knowledge and ripeness of judgment to be enti-
64 tled to form any definitive opinion of his own.” In 1967, the
65 American Association of University Professors' Joint Statement

66 on Rights and Freedoms of Students reinforced and amplified this
67 injunction by affirming the inseparability of “the freedom to teach
68 and freedom to learn.” In the words of the report, “Students
69 should be free to take reasoned exception to the data or views
70 offered in any course of study and to reserve judgment about mat-
71 ters of opinion;” and

72 (9) the academic criteria of the scholarly profession should
73 include reasonable scholarly options within the areas of disci-
74 pline; and

75 (10) the value of the life of the mind was articulated by Thomas
76 Jefferson when he stated, “We are not afraid to follow truth wher-
77 ever it may lead, nor to tolerate any error so long as reason is left
78 free to combat it;” and

79 (11) the education of the next generation of leaders should con-
80 tain rigorous and balanced exposure to significant theories and
81 thoughtful viewpoints, and students should be given the knowl-
82 edge and background that empowers them to think for themselves.

83 (b) The board of higher education shall, in cooperation with
84 institutions of public higher education, establish an academic bill
85 of rights. Such bill of rights shall secure the intellectual indepen-
86 dence of faculty and students and protect the principles of acad-
87 emic freedom by requiring that the following principles and
88 procedures be observed at all public colleges and universities
89 within the commonwealth:

90 1). All faculty members shall be hired, fired, promoted, or
91 granted tenure on the basis of their competence and appropriate
92 knowledge in the field of their expertise. No faculty member shall
93 be hired, fired, or denied promotion or tenure solely on the basis
94 of his or her political or ideological beliefs; 2). No faculty
95 member shall be excluded from a tenure search or hiring com-
96 mittee on the basis of his or her political or ideological beliefs; 3).
97 Students shall not be graded on the basis of their political or ideo-
98 logical beliefs. Each college and university should have well
99 known and publicly accessible policies and procedures available
100 to students who believe they have been penalized for their social,
101 political, or ideological beliefs; 4). While teachers are and should
102 be free to pursue their own findings and perspectives in presenting
103 their viewpoints, they should consider and make their students
104 aware of other viewpoints. Academic disciplines should welcome

105 exploration of unsettled questions; 5). Faculty members should
106 not use their courses for the purpose of political or ideological
107 indoctrination; 6). An environment conducive to the civil
108 exchange of ideas being an essential component of a free univer-
109 sity, the obstruction of invited campus speakers, destruction of
110 campus literature, or other efforts to obstruct this exchange shall
111 not be tolerated; and 7). Knowledge advances when individual
112 scholars are left free to reach their own conclusions about which
113 methods, facts, and theories have been validated by research. Aca-
114 demic institutions formed to advance knowledge within an area of
115 research, maintain the integrity of the research process, and orga-
116 nize the professional lives of related researchers serve as indis-
117 pensable venues within which scholars circulate research findings
118 and debate their interpretation”.